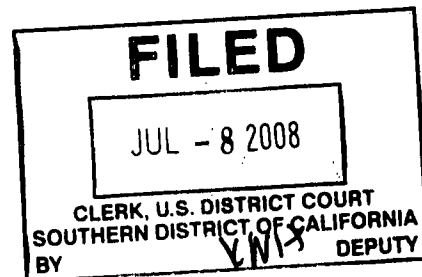


NUNC PRO TUNC

JUN 19 2008

David O'Shell, pro per
 CO-000761-7
 Coalinga State Hospital
 P.O. Box 5003
 Coalinga, California 93210



IN THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

DAVID O'SHELL,
 Petitioner

v.

STEVEN MAYBERG, Warden,
 Respondent

Civil No. 08-0436 J (NLS)

MOTION TO DENY APPLICATION
 FOR THIRTY-DAY ENLARGEMENT OF
 TIME TO FILE MOTION TO
 DISMISS OR ANSWER BY DEPUTY
 ATTORNEY GENERAL, ANTHONY DA
 SILVA

Petitioner respectfully requests that this Court
 DENY the request of a thirty-day enlargement of time to
 file either a Motion to Dismiss or an Answer to the
 Petition for Writ of Habeas Corpus pursuant to 28 U.S.C.
 §2254 which Petitioner filed on April 21, 2008.

Federal Rule of Civil Procedure 6(b), states in
 part that an extension could be made "...where the
 failure to act was the result of excusable neglect."
 Petitioner argues that Deputy Attorney General, Anthony
 DaSilva being on vacation is not excusable, nor
 considered good cause.

The California State Personnel Board has published
 their Workforce Analysis Report and on the "Utilization
 Analysis Worksheet" dated March 31, 2008, declared the

CS

PROOF OF SERVICE BY MAIL
BY PERSON IN STATE CUSTODY

I, David O'Shell, declare that:

I am over eighteen years of age and a party to this action. I am a resident of Coalinga State Hospital in the city of Coalinga in the county of Fresno, California. The address of my incarceration is: P.O. Box 5003, Coalinga, California 93210.

On June 16, 2008, I served the attached: Motion to Deny Application for Thirty-Day Enlargement to File Motion to Dismiss or Answer on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope with postage paid in the United States Mail in a deposit box so provided at the above named hospital in which I am presently confined. The envelopes were addressed as follows:

United States District Court
Southern District of California
Office of the Clerk
880 Front Street, Suite 4290
San Diego, California 92101-8900

And:

Anthony DaSilva,
Deputy Attorney General
110 West "A" Street, Suite 1100
San Diego, California 92101

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed June 16, 2008



David O'Shell, pro per
Petitioner